

25 February 2013



Australian  
Broadcasting  
Corporation

Ms Margot Kingston

Corporate Affairs

ABC Ultimo Centre  
700 Harris Street  
Ultimo NSW 2007

GPO Box 9994  
Sydney NSW 2001

Tel. +61 2 8333 5261  
abc.net.au

By email: [foi+request-67-b4df5f55@righttoknow.org.au](mailto:foi+request-67-b4df5f55@righttoknow.org.au)

Dear Ms Kingston

### FOI REQUEST - REFERENCE NUMBER 2013-15

I refer to your email of 15 February 2013 in which you sought access to the following documents under the *Freedom of Information Act 1982* (the FOI Act):

*all documents touching upon the following decision found at  
<http://about.abc.net.au/complaints/mornings-17/>*

I am writing to clarify the scope of your request so that I may effectively and efficiently identify and locate all relevant documents.

I am of the opinion that, as presently drafted, the scope of this request is not clear enough to enable the ABC to commence processing your application. The term "touching upon" is not sufficiently precise to enable me to easily identify relevant documents, and could potentially include any document which relates to the interviews, the complaints, the investigation or the decision.

Without sufficient clarity, any searches would likely constitute an unreasonable diversion of the ABC's resources. ABC staff would be required to search through an extensive number of hard and soft copy records in order to identify all individuals who have written anything which "touched upon" this particular decision. This would involve a substantial amount time and resources. There will be a further body of work required to make an assessment as to relevance and access.

It would be of assistance to clarify and refine the scope of your request by:

- requesting only documents provided to or by specific ABC employees; and/or
- requesting only documents contained on the complaints file relating to the published Complaint Finding referred to above.

I note also that the ABC is specifically excluded from the operation of the FOI Act in relation to its 'program material' by virtue of s7(2) and Part II, Schedule 2 of the FOI Act. 'Program material' for the purposes of that Part has been interpreted to mean:

*"the program and all versions of the whole or any part of the program, any transmission broadcast or publication of the program, and includes a document of any content or form*

*embodied in the program and any document acquired or created for the purpose of creating the program, whether or not incorporated into the completed program...[and including] a document created after a program is broadcast [such as] transcripts of programs ... and documents produced by the ABC or incorporated in its records directly concerning the substantive content of the broadcast program"*

You should be aware that in considering whether to exclude any document in relation to your request, I will have regard to whether it falls within this definition of 'program material'.

Please also note that in seeking to clarify your request I am not making any representations regarding the existence of relevant documents or whether access to them will be granted.

I would be grateful if you could contact me to discuss the terms of your application. Once I have clarified the scope of your request, the 30-day processing period will commence.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in blue ink that reads "J Maude". The signature is written in a cursive style with a large initial 'J'.

**Judith Maude**

Head, Corporate Governance  
Direct line 02 8333 5316